

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRAULIO ULISES REYES,
Plaintiff,
v.
GISELLE MATTESON,
Defendant.

Case No. 2:20-cv-00815-JDP (PC)

**ORDER TO SHOW CAUSE WHY THIS
CASE SHOULD NOT BE DISMISSED FOR
FAILURE TO PROSECUTE AND FAILURE
TO STATE A CLAIM**

**RESPONSE DUE WITHIN TWENTY-ONE
DAYS**

On November 10, 2020, the court screened plaintiff's first amended complaint, notified plaintiff that it did not state a claim, and granted plaintiff thirty days to file a second amended complaint. ECF No. 17. Plaintiff was subsequently granted two sixty-day extensions, with the most recent extension granting plaintiff until April 19, 2021 to file an amended complaint. ECF Nos. 19, 21. Despite those extensions, plaintiff has not filed a second amended complaint.

To manage its docket effectively, the court imposes deadlines on litigants and requires litigants to meet those deadlines. The court may dismiss a case for plaintiff's failure to prosecute or failure to comply with its orders or local rules. *See Fed. R. Civ. P. 41(b); Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988). Involuntary dismissal is a harsh penalty, but a district court has a duty to

1 administer justice expeditiously and avoid needless burden for the parties. *See Pagtalunan v.*
2 *Galaza*, 291 F.3d 639, 642 (9th Cir. 2002); Fed. R. Civ. P. 1.

3 I will give plaintiff a chance to explain why the court should not dismiss the case for his
4 failure to file an amended complaint. Plaintiff's failure to respond to this order will constitute a
5 failure to comply with a court order and will result in a recommendation that this action be
6 dismissed. Accordingly, plaintiff is ordered to show cause within twenty-one days why this case
7 should not be dismissed for failure to prosecute and failure to state a claim. Should plaintiff wish
8 to continue with this lawsuit, he shall file, within twenty-one days, a second amended complaint.

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10 IT IS SO ORDERED.

11 Dated: May 4, 2021


12 JEREMY D. PETERSON
13 UNITED STATES MAGISTRATE JUDGE

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